REMARKS

In a Final Office Action dated September 3, 2008, the Examiner has maintained the previous rejections of all of the pending claims under 35 U.S.C. §103(a) as being unpatentable over the previously cited art of record, and has objected to Claim 25 due to informalities.

Specifically, the Examiner has again rejected Claims 1-3, 5-10, 13, 15-16, 20-21, 23-26 and 28-29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0112044 to Hessmer et al. ("Hessmer") in view of U.S. Publication No. 2004/0019639 to E et al. ("E"), further in view of U.S. Publication No. 2002/0091819 to Melchione et al. ("Melchione"); Claim 11, as unpatentable over Hessmer, E and Melchione as applied to claim 10, and further in view of U.S. Publication No. 2001/0005201 to Digiorgio; and Claim 12, as unpatentable over Hessmer, E and Melchione as applied to Claim 10, further in view of U.S. Patent No. 6,061,721 to Ismael ("Ismael").

In this response, Applicant again traverses the rejections. Without admitting the propriety of the rejections, and in a continuing effort to advance the prosecution of the application as quickly as possible, Applicant has further amended the independent Claims 1, 10, 20 and 25 to clarify the subject matter that Applicant regards as the invention. Support for the amendments is found throughout the specification and drawings, in particular, in Figure 11 and the accompanying description in paragraphs [0070] – [0077] and Figure 13 and the accompanying description in paragraphs [0083] – [0089].

CLAIM OBJECTION

Claim 25 was objected to for informalities.   Applicant has corrected Claim 25

and requests that Examiner withdraw the objection.

CLAIM REJECTIONS – 35 U.S.C. § 103

The Examiner has maintained all of the previous rejections of the claims under

Section 103(a) based on the previously cited art of record, principally the references to

Hessmer and E.   Applicant traverses the rejections.

Claims 1-3, 5-10, 13, 15-16, 20-21, 23-26 and 28-29

Claim 1, as currently amended, recites as follows:

1.   A computer-implemented method employed within a network of
application server instances having a cluster architecture comprising:

displaying a hierarchical tree structure having one or more tree nodes in a
graphical user interface, each of the one or more tree nodes representing *a resource of an*
application server instance within a cluster of application server instances, each
application server instance within the cluster of application server instances having

> *a group of server nodes configured with a redundant set of application*
> *logic and associated data, each server node within the group of*
> *server nodes having access to a central database associated with*
> *the cluster of application server instances*, and

> a dispatcher in communication with *a central service associated with the*
> *cluster of application server instances, the central service*
> *enabling synchronization and communication between each of*
> *the application server instances within the cluster of application*
> *server instances, the central service having a locking service and*
> *a messaging service, the locking service enabling*
> *synchronization by disabling access to a portion of configuration*
> *data and program code stored with the central database, the*
> *messaging service enabling communication among the groups of*
> *server nodes within each application server instance within the*
> *cluster of application server instances using a message passing*
> *protocol*,

wherein at least one of the tree nodes represents a service of the application
server instance within the cluster of application server instances;

receiving an input selecting the tree node representing the service of the application server instance within the cluster of application server instances;

displaying a list of one or more service references associated with the service represented by the selected tree node in the graphical user interface; and

displaying a relationship value for each listed service reference, wherein the relationship value is to specify a strength of a relationship between the listed service reference and the service represented by the selected tree node.

As summarized in Applicant's previous response, Hessmer discloses agents located on remote data access servers to enumerate the data access servers running on each remote node in a network, and to thereafter connect to the data access servers for purposes of extracting diagnostic data for the data access server. (Hessmer, [0024]). A graphical user interface to the agents presents the remote nodes, data access servers and the available diagnostic data in the form of a hierarchical structure view [0056].

The Examiner now acknowledges that Hessmer fails to disclose the network of application server instances having a cluster architecture, in particular the redundant set of application logic and associated data, as well as the dispatcher, central service, locking service and messaging service as now recited in the claims (Office Action, Page 4). At the same time, the Examiner also seems to be arguing that the data access servers (DAS) 50a, 50b and 50c illustrated in FIG. 1 of Hessmer (see Hessmer paragraph [0028]) disclose the network of application server instances recited in the claims.

Applicant agrees with the Examiner that Hessmer fails to disclose the network of application server instances, and notes that DAS 50a, 50b and 50c of Hessmer are merely described as performing "the task of providing data to a variety of client applications," (see Hessmer, paragraph [0032]. Thus, the DAS 50a, 50b and 50c of Hessmer do not disclose the application server instances recited in the claims.

The Examiner also again criticizes Applicants' specification as not providing any "limiting definition" of the terms "dispatcher," "locking service," or "messaging service," and now argues that the previously cited reference to E discloses the cluster of application server instances as recited in the claims. (Office Action, Page 4). Applicants disagree, and again respectfully submit that the meaning of a particular claim term *may be defined by implication, that is, according to the usage of the term in the context of the specification.* See Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) (en banc) quoted in MPEP 2111.01 (IV). Accordingly, the claim limitations, including the terms "cluster," "dispatcher," "central service," "locking service" and "messaging service," must be interpreted in light of the specification.

Moreover, contrary to the Examiner's assertion, Applicants' specification does provide ample description of the cluster architecture in Figure 13 and the accompanying paragraphs [0083-0089], including descriptions of the terms "cluster," "dispatcher," "central service," "locking service" and "messaging service." For example, in paragraph [0086] of Applicants' specification, the central services instance 1300 is described as enabling the communication and synchronization between each of the application server instances 1310 and 1320 as illustrated in FIG. 13. To carry out the communication and synchronization, the message service 1304 allows each of the servers within each of the application server instances to communication with one another via a message passing protocol, while the locking service disables access to certain specified portions of the configuration data and/or program code stored within a central database.

Without admitting the propriety of the rejections, and to advance the prosecution of the application to allowance as quickly as possible, Applicants have amended the independent claims to recite additional limitations of the "central service," "locking service" and "messaging service" terms, as well as to recite additional limitations of the

"application server instances" and the "group of server nodes," including, among other limitations, access to a central database, all of which are supported by the description of the cluster architecture in Figure 13 and the accompanying paragraphs [0083-0089].

The Examiner argues that while Hessmer fails to disclose the cluster of application server instances as recited in the claims, the disclosure in E does. Applicants disagree. E discloses application servers 104 that provide data and services to an enterprise server 102 for use by clients. The application servers 104A and 104B are illustrated in FIG. 1 as having a group of processes 106 and associated data 108.

The Examiner reasons that E teaches a cluster of application server instances because "E mentions [e]nterprise server 102 may be implemented or clustered across one or more of the same computer systems as application servers 104, or on one or more separate computer systems." (Office Action Page 4-5, citing E at paragraph [0035], with emphasis on the term clustered added by the Examiner).

However, Applicants' review of the E reference reveals that the term *clustered* is used only in reference to the enterprise server 102 in E, and is not used in reference to the application servers 104A and 104B. No further explanation of the term *clustered* is provided, except for the general statement that "[d]istributed sessions may be distributed among multiple servers, for example in a cluster, whereas local sessions may be bound to an individual server." (E. Paragraph [0008]). Applicant submits that the mere *mention* of the term *clustered* in describing the enterprise server 102 does not support the conclusion that E *teaches* the cluster of application server instances as recited in the claims.

The Examiner further reasons that the application servers 104A and 104B disclose the claimed application server instances because they (104A and 104B) have "a group of processes 106" that "can be interpreted as the claimed server nodes since they provide

data and/or services for use by the clients," (Office Action, Page 5, citing E, paragraph [0035])   Alternatively, the Examiner reasons that "it would have been at least obvious to those of ordinary skill in the art to have some of these processes as server processes," as well as obvious to configure them with a redundant set of application logic." (Office Action, Page 5).

However, Applicants' review of the E reference reveals that a process 106 executes within an application server 104, may be multithreaded, and may include a virtual machine (E, Paragraphs [0036]- [0037]), all of which would indicate that, although the processes 106 in E are executing software, they are not server nodes as that term is described and claimed in the present application.

While the Examiner acknowledges that neither Hessmer nor E discloses displaying a relationship value for each listed service reference, the Examiner argues that the previously cited reference to Melchione does. Applicant disagrees. Nevertheless, without admitting the propriety of the rejection, and in order to advance the prosecution of the application as quickly as possible, Applicant has further amended the claims to clarify that the *relationship value is to specify a strength of a relationship between the listed service reference and the service represented by the selected tree node.* Applicant submits that the amendments are supported throughout the application, and in particular at Figure 11 and the accompanying description in paragraphs [0070] [0077]. There is nothing in the disclosure of Melchione or the other cited references of record that discloses specifying a strength of a relationship as recited in the claims.

In view of the foregoing, Applicants submits that Claim 1 is patentably distinguishable over Melchione, Hessmer and E, either alone or in combination. Independent claims 10, 20 and 25 recite similar limitations. Thus, for at least the same

reasons that Claim 1 is patentably distinguishable over Melchione, Hessmer and E, either alone or in combination, Applicant submits that independent Claims 10, 20 and 25, are patentably distinguishable over Melchione, Hessmer and E, either alone or in combination. Claims 2-3, 5-9, 13, 15-16, 21, 23-24, 26 and 28-29 depend from claims 1, 10, 20 and 25, respectively. Therefore, dependent Claims 2-3, 5-9, 13, 15-16, 21, 23-24, 26 and 28-29 are patentably distinguishable over Melchione, Hessmer and E, either alone or in combination, for at least the same reasons as independent Claims 1, 10, 20 and 25, and because of their additional limitations. For at least this reason, Applicants respectfully request the withdrawal of the rejection of Claims 1-3, 5-10, 13, 15-16, 20-21, 23-26 and 28-29 under Section 103.

Claim 11

The Examiner rejected Claim 11 under Section 103(a) as being unpatentable over Hessmer, E, and Melchione as applied to independent Claim 10 above, and further in view of Digiorgio. Applicant submits that the reference to Digiorgio does not cure the above-noted deficiencies of Hessmer, E, and Melchione. Therefore, dependent claim 11 is patentably distinguishable over Melchione, Hessmer, E, and Digiorgio either alone or in combination for at least the same reasons as is Claim 10, and because of the additional limitations recited in Claim 11. For at least this reason, Applicants respectfully request the withdrawal of the rejection of Claim 11 under Section 103.

Claim 12

The Examiner rejected Claim 12 under Section 103(a) as being unpatentable over Hessmer, E, and Melchione as applied to independent Claim 10 above, and further in view of Ismael. Applicant submits that the reference to Ismael does not cure the above-noted deficiencies of Hessmer, E, and Melchione. Therefore, dependent claim 12 is patentably distinguishable over Melchione, Hessmer, E, and Ismael either alone or in

combination for at least the same reasons as is Claim 10, and because of the additional

limitations recited in Claim 12. For at least this reason, Applicants respectfully request

the withdrawal of the rejection of Claim 12 under Section 103.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been

overcome. Therefore, Claims 1-3, 5-9, 10-13, 15-16, 20-21, 23-24, 25-26 and 28-29 are

in condition for allowance and such action is earnestly solicited. The Examiner is

respectfully requested to contact the undersigned by telephone if such contact would

further the examination of the present application. Please charge any shortages and credit

any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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